

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LOIDY TANG, individually)	
and on behalf of a class,)	11-cv-2109
)	
Plaintiff,)	Chief Judge Holderman
v.)	
)	Magistrate Schenkier
MEDICAL RECOVERY SPECIALISTS,)	
LLC, d/b/a MRS, d/b/a MRSI and d/b/a)	
MEDICAL RECOVERY SPECIALISTS, INC.,))	
)	
Defendant.)	

**DEFENDANT’S UNOPPOSED MOTION TO STAY TCPA CLAIM PENDING
OUTCOME OF SEVENTH CIRCUIT APPEAL, *SOPPET VS. ENHANCED RECOVERY*,**

NOW COMES Defendant MEDICAL RECOVERY SPECIALISTS, LLC, and pursuant to FRCP 1, submits the following Unopposed Motion to Stay Discovery and Motion Pending Outcome of Seventh Circuit Appeal in the Case of *Soppet vs. Enhanced Recovery LLC*, and in support states the following:

1. This motion has been brought in consultation with Plaintiff’s counsel. Plaintiff does not oppose this motion. As discussed below, judicial economy will be met if this case is stayed pending the outcome of a Seventh Circuit appeal in the case of *Soppet vs. Enhanced Recovery LLC*, 11-8025 (“*Soppet Appeal*”).

2. Both this case and the *Soppet Appeal* deal with class based claims brought under the Telephone Consumer Protection Act (“TCPA”) 47 U.S.C. § 227.¹ The *Soppet Appeal* involves an interlocutory appeal of a district court decision on the issue of who is properly a

¹ This case also contains a class based FDCPA claim which is subject to a class based settlement offer. It is not the intention of Defendant to stay the FDCPA claim given the possibility of a class based settlement. If a negotiated settlement can be obtained, the parties will jointly move to certify an FDCPA settlement class.

“called party” under the terms of the TCPA. The Seventh Circuit granted the interlocutory appeal on December 8, 2011. *See* Exhibit A (docket 11-cv-8025). The Seventh Circuit has set January 30, 2012 for the filing of the appellant’s brief. The date for the response brief has yet to be set. *See* Exhibit B (docket 11-cv-3899).

3. Earlier today, Magistrate Judge Cole *sua sponte* stayed discovery in a TCPA case (*Todd v. State Collection Service, Inc.*, 11-cv-07334) involving different parties but the same set of defense and putative class counsel. *See* Exhibit C. In doing so, Magistrate Judge Cole instructed the parties in *Todd v. State Collection Service, Inc.*, that it would foster judicial economy and preserve resources to stay the case pending the outcome of the *Soppet* Appeal.

4. Judicial economy supports staying the present case before this Court.

5. Judge Cole ordered the parties to report on status of the *Soppet* Appeal on March 21, 2012. Defendant suggest that similar status date be set in this case. If the *Soppet* Appeal is decided sooner, the parties will report to the court on the result.

WHEREFORE, Defendant respectfully request that this Honorable Court issue an order staying discovery and motion practice in relation to the class based TCPA claim pending the outcome of the appeal in the case of *Soppet vs. Enhanced Recovery LLC* (7th Cir.), and to set a status in or around March 21, 2012.

Respectfully submitted,

By: /s/James C. Vlahakis
One of the Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2011 I electronically filed the attached document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

By: s/ James C. Vlahakis
One of the Attorneys for Defendant